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Attorney Docket No. 8285/469

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Ahmad Ansari et al.)	
)	Examiner: Raman, Usha
Serial No.: 09/842,363)	
)	Group Art Unit No.: 2623
Filing Date: April 25, 2001)	
)	
For: Method and System for)	
Transferring Content to a)	
Networked Unit)	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandra, VA 22313-1450

Dear Sir:

Applicants request review of the final rejection in the above-identified application.

No amendments are being filed with this request.

This request is being filed with a notice of appeal

The review is requested for the reasons stated on the attached sheets. No more than five (5) pages are provided.

REMARKS

I. Introduction

Claims 1 and 3-24 are pending in the application. In the Office Action dated May 31, 2007, the Examiner rejected claims 1, 3, 4, 6-13, 15-19, and 21-24 under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,496,980 ("Tillman"). Further, claims 5, 14, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tillman in view of U.S. Pat. No. 5,790,935 ("Payton"). Applicants request review of the final rejection.

II Tillman Does Not Anticipate Independent Claim 1

In the final Office Action, the Examiner asserts that streaming is a specific type of downloading. While Applicants may not agree with the Examiner's assertion¹, even if the Examiner's assertion were correct that streaming is a specific type of downloading, Tillman still does not anticipate independent claim 1. Claim 1 recites receiving from a subscriber terminal a selection request for a program corresponding to a video content after downloading a complete copy of a low-quality video portion that comprises a complete copy of the program. Tillman fails to teach this element.

Tillman is directed a method of providing replay on demand for streaming digital multimedia. Generally, Tillman teaches a system where a user viewing a streamed base layer of media content may select to replay a portion of the media. In response to a selection to replay a portion of the media, an enhanced layer of the portion of the media to be replayed is streamed to the user, combined with the original base layer, and displayed to the user.

In Tillman, a user does not perform an action after downloading a complete copy of a low-quality video portion that comprises a complete copy of the program as recited in Claim 1. Tillman instead teaches that a user may perform an action such as selecting to replay a portion of media content as the base layer of media content is streamed to the user in real time. In other words, Tillman teaches a user performing an action before a complete copy of the base layer of media is streamed to the user.

¹ Applicants do not concede that the Examiner's asserted definitions of Downloading and Streaming are correct and reserve the right to argue against the Examiner's asserted definitions of Downloading and Streaming.

Because Tillman fails to teach at least receiving from a subscriber terminal a selection request for a program corresponding to a video content after downloading a complete copy of a low-quality video portion that comprises a complete copy of the program as recited in claim 1, Tillman necessarily does not render independent claim 1, or any claim that depends on claim 1, unpatentable.

III. Tillman Does Not Anticipate Independent Claim 11

Independent claim 11 recites a subscriber unit including a user interface for permitting a user to select a video corresponding to one of a locally stored lower quality parts after storing the one or more low quality parts comprising a complete copy of the video. As discussed above in conjunction with independent claim 1, Tillman fails to teach a user performing an action after downloading low quality parts of a video that comprise a complete copy of the video. Tillman instead teaches that a user may perform an action such as selecting to replay a portion of media content as a base layer of media content is streamed to a user in real time. For at least this reason, Tillman necessarily does not anticipate independent claim 11, or any claim that depends on claim 11.

IV. Tillman Does Not Anticipate Independent Claim 18

Independent claim 18 recites a user interface for allowing a user to select one of a compressed content files for viewing in real time after storing the one or more complete low-quality video portions representing programs. As discussed above in conjunction with independent claim 1, Tillman fails to teach a user performing an action after storing one or more complete low-quality video portions representing programs. Tillman instead teaches that a user may perform an action such as selecting to replay a portion of media content as a base layer of media content is streamed to a user in real time. For at least this reason, Tillman necessarily does not anticipate independent claim 18, or any claim that depends on claim 18.

V. Tillman Does Not Anticipate Independent Claim 21

Independent claim 21 recites means for receiving from a networked device a selection request for a program corresponding to a low quality video part stored at the network device after downloading the low quality part of the video content, wherein the low quality part of the video content represents a complete copy of the program at a low video quality. As discussed above in conjunction with Independent claim 1, Tillman fails to teach a user performing an action after storing a low quality part of video content that represents a complete copy of a program. Tillman instead teaches that a user may perform an action such as selecting to replay a portion of media content as a base layer of media content is streamed to a user in real time. For at least this reason, Tillman necessarily does not anticipate independent claim 21, or any claim that depends on claim 21.

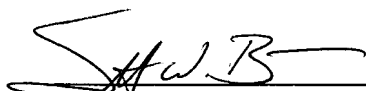
VI. The Proposed Combinations Do Not Render the Dependent Claims 5, 14, and 20 Unpatentable

In the Office Action, the Examiner asserts that Tillman teaches each element of independent claims 1, 11, and 18, and that Payton teaches the additional element of downloading a base layer video to a subscriber during off peak hours as recited in dependent claims 5, 14, and 20. As discussed above, Tillman does not teach each element of independent claims 1, 11, and 18. For at least this reason, the proposed combinations of Tillman and Payton as contemplated by the Examiner does not render dependent claims 5, 14, and 20 unpatentable.

VII. Conclusion

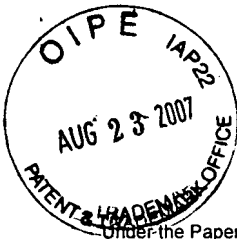
In view of the foregoing remarks, Applicants submit that the pending claims are in condition for allowance. Review of the final rejections is therefore respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S.W. Brim", is written over a horizontal line.

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional) **8285-469**

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On August 23, 2007

Signature

Typed or printed

Name Scott W. Brim

Application Number

09/842,363

Filed

April 25, 2001

First Named Inventor **Ahmad Ansari et al.**

Art Unit

2623

Examiner

Raman, Usha

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The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 51,500

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34.

Signature

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Typed or Printed Name

312 321-4200

Telephone number

Note: Signatures of all inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.*

August 23, 2007

Date

☒ *Total of 1 forms are submitted.